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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,013	02/06/2004	Masaru Aiso	393032043600	8422

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EXAMINER	
RUSSELL, CHRISTINA MARIE	

ART UNIT	PAPER NUMBER
2837	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/774,013	AISO ET AL.	
	Examiner	Art Unit	
	Christina Russell	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-12 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The attempt to incorporate subject matter into this application by reference to DM 2000 Instruction Manual, published by Yamaha Corporation, is ineffective because of the failure to provide a copy of the reference material. Therefore this reference has not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6, 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by the US patent application publication to Suyama et al. (US 2202/0256547 A1).

4. In terms of claim 6, Suyama teaches a control method for a mixing system which includes a plurality of input ports allocated to input channels and further subjected to adjustment and mixing. Suyama also teaches said method comprising a

correspondency or patch step between the ports and channels, a name assignment step comprising two naming assignments, one providing a short name for the channel itself and one for the mixing bus related to the channel and port, and a display step for displaying said names (see page 3, paragraph [0044] to page 4, paragraph [0047], page 5, paragraphs [0058] to [0060] and page 8, paragraph [0095]).

5. As for claim 9, Suyama teaches of a computer program containing operation instructions for causing the computer or CPU to perform said method in claim 6 (see page 4, paragraph [0055]).

6. In terms of claim 11, Suyama again teaches the claimed elements similar to claim 6, but as an apparatus and not just a method (see references of claim 6).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-5, 7, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama et al. in view of the US patent application publication to Kohyama et al. (US 2003/0059066 A1).

9. In terms of claim 1, Suyama teaches a mixing system control method that stores a current data set and current scene data, comprising a processing step for controlling input signals and mixing them, the ability to change the settings of the data, and a scene recall step that further saves or writes the recalled and adjusted scene to the storage area (see page 1, paragraphs [0001] and [0013] to [0014], page 4, paragraph [0055], page 5, paragraphs [0064] and [0068] and page 6, paragraphs [0071], [0074] and [0076]). Suyama does not however teach of a specified range of data and the ability to change the settings of such a range. Kohyama teaches of such a specified range (see page 6, paragraphs [0070] and [0071]). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the teaching of a range of data in the similar mixing system of Kohyama, in order to refine the adjustment and data changing processes of Suyama. Suyama's invention already posses the abilities to make setting changes, recall data and already provides input port and channel information to be adjusted so it would have been obvious to add the additional feature of a data range for a specific channel to further limit and control the task.

10. As for claim 2, dependent upon claim 1, Suyama teaches all of the claimed elements as disclosed above, in addition to the ability of a user to specify the setting of the data and which data is to be recalled or not recalled, or skipped (see page 5, paragraphs [0064] to [0069]). Suyama does not however teach of a data range to be set or recalled. Again, Kohyama teaches of such a data range (see references of claim 1), and it would have been obvious to one of ordinary skill in the art, at the time of the

invention, to incorporate this data range into the similar invention of Suyama as explained above.

11. As for claim 3, dependent upon claim 1, Suyama teaches all of the claimed elements as disclosed above, including a storage step where the setting data is stored in the scene storage area and further saved or written to a current storage region, regardless of belonging to a data range (see page 6, paragraphs [0071], [0074] and [0076]). Suyama, however, does not teach of a data range as presented in claim 1, and again Kohyama does teach of such a data range to be recalled and changed (see references and explanation above).

12. As for claim 4, dependent upon claim 1, Suyama teaches all of the claimed elements as disclosed above, in addition to a computer program containing operation instructions for performing said mixing method (see page 4, paragraph [0055]). Suyama does not however teach of a data range as stated before, but Kohyama does teach of such a data range and the incorporation of such a data range into the similar mixing system of Suyama would have been obvious (see above references and explanation).

13. In terms of claim 5, Suyama again teaches all of the claimed elements as stated above in claim 1, along with more specifically providing a memory system to contain all the storage regions (see page 1, paragraphs [0001] and [0013] to [0014], page 4, paragraph [0055], page 5, paragraphs [0064] and [0068] and page 6, paragraphs [0071], [0074] and [0076]), except for addition again of a data range to be set and recalled. Kohyama teaches of such a data range (see page 6, paragraphs [0070] and [0071]) and again it would have been obvious to one of ordinary skill in the art, at the

time of the invention, to incorporate said data range into the similar mixing system of Suyama to provide the control method with more precision and options for adjustment.

14. In terms of claim 7, Suyama teaches a control method for a mixing system which includes a plurality of input ports allocated to input channels and further subjected to adjustment and mixing. Suyama also teaches said method comprising a correspondency or patch step between the ports and channels, a name assignment step comprising two naming assignments, one providing a short name for the channel itself and one for the mixing bus related to the channel and port, and a display step for displaying said names (see page 3, paragraph [0044] to page 4, paragraph [0047], page 5, paragraphs [0058] to [0060] and page 8, paragraph [0095]). Suyama does not however teach of a predetermined code for the channels in association with the operators provided, that is replaced by the name assignment step. Kohyama, however, does teach of a predetermined code for the input channels in association with predetermined operators (see page 1, paragraphs [0007], [0009] and [0011], and page 3, paragraph [0034]). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate the initial coding of the channels with numbers to make the channels more easily accessible to the user to further change or rename the channels as required. As mentioned above, the invention of Suyama et al. and Kohyama et al. are quite similar in regards the method and process. Both systems have input ports patched to channels and further to a mixing process, therefore adding the simple numbering code system to the cannels initially as Kohyama teaches and then

allowing the user to name and change the channels as Suyama does by first deciding on which numbered channel to use would have been an obvious combination.

15. As for claim 8, Suyama teaches all of the claimed elements, as stated above except for the addition of a predetermined code for the port assignments to channels, and that code being the first character of the channel name. Kohyama teaches of such a code, and said code being a number, therefore the predetermined coded number would not only be a single character but the first and only character of the channel name. It would have been obvious to one of ordinary skill in the art, at the time of the invention to incorporate this predetermined coding number of Kohyama into the similar invention of Suyama for the specified reasons stated above.

16. As for claim 10, Suyama again teaches all of the above clamed elements pertaining to claim 7, including a computer program containing operation instructions for performing the said control method (see page 4, paragraph [0055]). Suyama does not however teach of a predetermined code, but as stated above, Kohyama does teach of such a code (see above explanation).

17. In terms of claim 12, Suyama again teaches the claimed elements similar to claim 7, but as an apparatus and not just a method (see references of claim 7), except for the presence of a predetermined code for the input channels. Kohyama again teaches of such a code and it would again have been obvious to infuse these two similar ideas (see obviousness explanation presented in claim 7).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent to Hammamatsu (6,795,560), and US patent application publications to Okabayashi (US 2004/0131209 A1) and Aoki et al. (US 2004/0073419 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR
09/09/2005

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